

Message Text

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PAGE 01 STATE 269909

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ORIGIN NEA-03

INFO OCT-01 ISO-00 /004 R

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DRAFTED BY: NEA/ARP:FMDICKMAN

APPROVED BY: NEA/ARP:FMDICKMAN

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R 171640Z NOV 75

FM SECSTATE WASHDC

TO AMEMBASSY SANA

C O N F I D E N T I A L STATE 269909

STADIS//////////

FOLLOWING REPEAT STATE 269909, SENT JIDDA NOV 14:

QUOTE C O N F I D E N T I A L STATE 269909

STADIS

E.O. 11652: GDS

TAGE: MASS, SA, YE

SUBJECT: POSSIBLE TRANSFER OF FMS-SUPPLIED MILITARY
EQUIPMENT

REF: (A) USDAO SANA 151200Z OCT 75; (B) USDAO SANA 300820Z
SEP 75; (C) SANA 2861

1. FYI ONLY: SAUDI TRANSFER OF 12 105MM HOWITZERS
MENTIONED REFTELS APPEARS TO BE A VIOLATION OF FMS ACT,
WHICH IN BRIEF REQUIRES THAT FMS-SUPPLIED MATERIEL MAY NOT
BE TRANSFERRED TO A THIRD PARTY WITHOUT USG CONSENT. ACT
FURTHER REQUIRES THAT SUCH CONSENT NOT BE GIVEN UNLESS THE
US ITSELF WOULD TRANSFER THE ARTICLE IN QUESTION TO THAT
THIRD PARTY, UNTIL PRIOR NOTICE OF THE PROPOSED CONSENT IS
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PAGE 02 STATE 269909

PROVIDED TO CONGRESS ALONG WITH APPROPRIATE JUSTIFICATION,

AND, IF THE ITEMS CONCERNED ARE SIGNIFICANT DEFENSE ARTICLES ON THE US MUNITIONS LIST (AS THEY ARE IN THIS CASE), UNTIL THE PROPOSED RECIPIENT PROVIDES US IN WRITING WITH ASSURANCES THAT IT WILL NOT TRANSFER THE ITEMS FURTHER WITHOUT FIRST OBTAINING USG APPROVAL.

2. CONTINUE FYI: WE SEE NO POLICY PROBLEM WITH THIS TRANSFER SINCE IT IS CLEARLY WITHIN THE POLICY WE HAVE DEVELOPED OVER THE PAST YEAR OR SO WITH REGARD TO SAUDI-YAR

RELATIONS, I.E., OUR INTEREST IN WEANING YAR AWAY FROM SOVIET MILITARY RELATIONSHIP BY PROVIDING AN ALTERNATIVE THROUGH JOINT SAUDI-US SUPPORT FOR YAR MILITARY. NONETHELESS, WE ARE MOST CONCERNED OVER APPARENT SAG FAILURE TO COMPLY WITH TERMS OF AGREEMENTS UNDER WHICH EQUIPMENT SOLD. IN THIS REGARD IT SHOULD BE POINTED OUT THAT SECTION 3(C) OF FMSA PROVIDES FOR TERMINATION OF FMS ELIGIBILITY OF COUNTRIES IN QTE SUBSTANTIAL VIOLATION UNQUOTE OF ANY AGREEMENT UNDER FMSA. WHILE WE HAVE NOT YET REACHED ANY CONCLUSIONS IN THIS REGARD, MATTER CANNOT BE IGNORED. AT THE LEAST, WE WILL HAVE TO REMIND SAUDIS OF REQUIREMENTS OF USG-SAG AGREEMENTS AND WILL ALSO HAVE TO NOTIFY THE CONGRESS THAT THE TRANSFER HAS TAKEN PLACE WITHOUT OUR KNOWLEDGE AND WITHOUT PRIOR NOTIFICATION TO CONGRESS. WE REALIZE THAT PASSAGE OF TIME SINCE TRANSFER TOOK PLACE, WITHOUT ANY REACTION FROM USG, MAY HAVE LED BOTH YAR AND SAG TO CONCLUDE THAT IT PRESENTS NO PROBLEM FOR US, AND WILL PROVIDE YOU WITH APPROPRIATE INSTRUCTIONS AS SOON AS POSSIBLE.

3. WOULD APPRECIATE EMBASSY JIDDA CONFIRMING, WITHOUT AT THIS TIME APPROACHING SAG, THAT HOWITZERS WERE IN FACT FMS-SUPPLIED.

KISSINGER UNQUOTE. INGERSOLL

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